

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Agriculture Department – Allegation of misappropriation of EAS funds of Mandal Parishad of Y. Ramavaram, E.G. Dist. – Disciplinary action initiated against Sri K. Somayajulu, the then I/c. MPDO, Y. Ramavaram and ADA(R), Rajole (Retd.) under Rule 9 of APRP Rules, 1980 – Penalty of withholding of 50% pension permanently – Orders – Issued.

AGRICULTURE AND COOPERATION (VIG.I) DEPARTMENT

G.O.Rt.No:729

Dated: 16-06-2008.

Read the following:-

1. Charge Memo No.Estt. IV(1)901/96, Dt. 18-6-1999 of C&DA., A.P., Hyderabad.
2. From Sri K. Somayajulu, A.O. and former MPDO, Y. Ramavaram, W.G. Dist., Written Statement of Defence, dated 23-11-1999.
3. Memo No.Estt.IV(1)901/96, dated 17-7-2000 of C&DA., A.P., Hyderabad.
4. From the JDA, Kakinada & Inquiry Officer, Lr.Rc.No.A1 /1287/2000, Dt. 29-10-2004 addressed to C&DA., Hyderabad.
5. From the C&DA., Hyd., Lr.No.Vig.I(1)901/96, Dt. 9-2-2005.
6. Govt. Memo No. 2338/Vig.I/1/2005-2, dt. 23-3-2006.
7. Representation from Sri K. Somayajulu, ADA(R), Rajahmundry, E.G., District dt. 8-5-2006.
8. Govt. Letter No.2338/Vig.I/1/2005-8, D. 20-6-2006.
9. From the APPSC., Hyderabad Lr.No.739/RT-I/2/2006, dated 27-7-2006 and 3-12-2007.
10. Govt. Memo No.2338/Vig.I/1/2005-9, Dt. 10-10-2006.
11. Representation from Sri K. Somayajulu, ADA(Retd), dated 14-11-2006.

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ORDER:

It has been brought to the notice of the Government that Sri K.Somayajulu, Assistant Director of Agriculture (Retd) while working as I/C Mandal Parishad Development Officer, R.Ramavaram., East Godavari district. had committed certain irregularities involving misappropriation of amount to a tune of Rs.24,59,099/- of Employment Assurance Scheme (EAS) Fund. Disciplinary action was initiated by the Commissioner and Director of Agriculture, under Rule 20 of Andhra Pradesh Civil Service (CC&A) Rules, 1991 and the following article of charge was framed against him:

Article of Charge-I: “That Sri K. Somayajulu, Agril. Officer while working as I/c. MPDO, Y. Ramavaram Mandal, East Godavari District has not been accounted Rs.24,59,099/- balance against the total amount of Rs.44,45,000/- which was released during 3/94 to 7/95 for execution of E.A.S. works in Y. Ramavaram Mandal nor remitted back to the Project Director, D.R.D.A. / Project Director, I.T.D.A. and caused loss to Government money. Thus he has violated rule 3 of the APCS (CC&A) Rules, 1964.”

Article of Charge-II: “That Sri K. Somayajulu, Agril. Officer and former I/c. MPDO, Y. Ramavaram has committed lapses regarding utilization of fertilizer stocks, distribution of groundnut minikits and selection of candidates for the tailoring center sponsored under TRYSEM and entrustment of works done in benami names. Thus he has violated rule 3 of the APCS(CC&A) Rules, 1964.”

Article of Charge-III: “That Sri K. Somayajulu, Agril. Officer and I/c . MPDO, Y. Ramavaram was committed certain irregularities and adverse remarks received against him from the workers during the investigation of Sub-Collector, Kakinada like (1) non-receipt of payment for works done (2) use of harsh and abuse language. Thus he has violated the rule 3 of APCS (Conduct) Rules, 1964.”

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2. The Charged Officer in his written statement of defence denied the charges framed against him. The Commissioner & Director of Agriculture, Hyderabad decided to proceed further against the Charged Officer. Accordingly the Joint Director of Agriculture, Kakinada was appointed as Inquiry Officer to conduct regular inquiry into the charges. The Inquiry Officer conducted the Inquiry and submitted the Inquiry Report wherein he held charge No.I proved against the Charged Officer and Charges II and III not proved against the Charged Officer. The inquiry report was communicated to the Charged Officer for his representation if any on the findings of the Inquiry Officer. The Charged Officer has submitted his representation and contended that the Inquiry Officer had not examined the issues in the right perspective and solely believed on the preliminary report of the Superintendent Engineer which was in-correct. He further stated that the amount spent on various items of work were genuine and that regarding the payment of hire charges to Jeep, he has stated that 40% of the Geographical area of the East Godavari District constitute seven agency mandals of which 50% of the agency area was in Y.Ramavaram mandal; that it was very difficulty to tour the area to inspect the works besides performing the regular duties, and he ever approached the Project Director, ITDA to provide the vehicle but he advised him to take a vehicle on hire basis that accordingly he engaged a jeep and he paid Rs. 1.35 lakhs towards hire charges and POL charges for 1 year, 1 month and 15 days; that the expenditure should be treated as part of the expenditure in the execution of EAS works. Finally the Charged Officer has submitted that he worked in the naxals infected area which may be taken into account and a liberal view may be taken while assessing the expenditure incurred, and requested to be exonerated of the charges.

3. Government have examined the representation submitted by the Charged Officer in the light of the findings of the Inquiry Officer, material on record and provisionally decided to impose a penalty of withholding of 50% pension permanently under rule 9 (1) of A.P. Revised Pension Rules, 1980 against Sri K. Somayajulu, former I/c. MPDO, Y. Ramavaram and Assistant Director of Agriculture (R), Rajole since he had retired from Service during the course of disciplinary proceedings. A show cause notice was issued accordingly to the Charged Officer directing him to submit his representation if any on the proposed penalty. The Charged Officer has submitted his representation stating that he has not committed any irregularities knowingly and did not misappropriate Government funds as alleged and requested to drop and exonerate him from the charges and to release full family pension as he was already put to distress, most un ethically and struggling to earn his daily bread after superannuation.

4. Government examined the representation of the Charged Officer and decided to impose the penalty of withholding 50% pension permanently against him and consulted Andhra Pradesh Public Service Commission on the proposed penalty. The Andhra Pradesh Public Service Commission has agreed with the provisional decision of the Government but advised that the penalty to be imposed for a period of 10 years instead of permanently.

5. Government have examined the matter keeping in view of the advice of A.P. Public Service Commission and observes that the charges proved against the Subject Officer are serious and is liable for imposition of a penalty of withholding of 100% pension permanently besides gratuity under Rule 9 of the A.P. Revised Pension Rules, 1980. However, Government after considering the position submitted by the Charged Officer in his representation have decided to impose the penalty of withholding 50% pension permanently without effect on gratuity.

6. Accordingly Government hereby impose the penalty of withholding of 50% pension permanently against Sri K. Somayajulu, former I/c. MPDO, Y. Ramavaram and Assistant Director of Agriculture (R), Rajole(Retired) under Rule 9 (1) of A.P. Revised Pension Rules, 1980.

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7. The Commissioner & Director of Agriculture, Hyderabad, shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**C.R. BISWAL
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri K. Somayajulu, former I/c. MPDO, Y. Ramavaram and Assistant Director of Agriculture (R), Rajole (Now Retired) (through C&DA., A.P., Hyderabad).

Copy to:

The Commissioner & Director of Agriculture, Hyderabad.

The Secretary to V.C., A.P.V.C., Hyderabad.

The P.R. & R.D. (Vig.II) Department.

The Secretary, A.P. Public Service Commission, Hyderabad.

Sf/SC.

// FORWARDED BY ORDER //

SECTION OFFICER